

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64120 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- DHARHARA District- Munger

Masudan @ Masudan Mahton @ Masudan Mahto S/O Baldeo Mahto
Resident Of Vill- Basagadha, P.S- Mednichouki, Distt- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shristi Rani, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2024 Heard Ms. Shristi Rani, learned counsel for the
petitioner and Mr. Dinesh Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 13.07.2023, in connection with S. Tr. No. 387 of 2023 arising out of Dharhara P.S. Case No. 154 of 2023, FIR dated 12.07.2023 registered for the offence under Sections 25(1-b)a and 26(i)(ii) of the Arms Act.

3. The allegation against the petitioner in the FIR is that one empty cartridge, one country made loaded pistol with one live cartridge were recovered from the possession of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that as per the



allegation in the FIR one empty cartridge, one country made loaded pistol with one live cartridge and one mobile were recovered from the possession of the petitioner. He further submits that the recovery has not been made in accordance with procedure prescribed in the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.07.2023.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries nine cases other than the present one but fairly submits that out of nine cases the petitioner is on bail in two cases.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger in connection with S. Tr. No. 387 of 2023 arising out of Dharhara P.S. Case No. 154 of 2023 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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